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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,698	12/22/2000	Franco Travostino	2204/A86	4557
2101	7590	04/26/2004	EXAMINER	
BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			EL CHANTI, HUSSEIN A	
			ART UNIT	PAPER NUMBER
			2157	
DATE MAILED: 04/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application N</b>	<b>Applicant(s)</b>
	09/748,698	TRAVOSTINO, FRANCO
Examiner	Art Unit	
Hussein A El-chanti	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 December 2000.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-46 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-46 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## DETAILED ACTION

1. This action is responsive to application filed on Dec. 22, 2000. Claims 1-46 are pending examination.

### *Drawings*

2. Formal Drawings are required to be submitted by the applicant.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 13 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, 13 and 23 recites the limitation "it" in the second and third line of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8, 10, 20, 30 and 36-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Hebert, U.S. Patent No. 6,718,383.

As to claims 1, 10 and 20, Hebert teaches a method, device and computer program for maintaining a communication session by a back end device in a communication system, the method comprising:

determining that the communication session has or will be disrupted (see col. 4 lines 36-47);

saving state information relating to the communication session (see col. 4 lines 36-47 and col. 7 lines 13-45); and

subsequently re-establishing the communication session using the saved state information (see col. 7 lines 13-45).

As to claim 2, Hebert teaches the method of claim 1, wherein determining that the communication session has or will be disrupted comprises: determining that the communication session has failed (see col. 7 lines 13-45).

As to claim 3, Hebert teaches the method of claim 2, wherein determining that the communication session has failed comprises: monitoring for a predetermined signal; and failing to receive the predetermined signal for a predetermined amount of time (see col. 6 lines 46-67).

As to claim 4, Hebert teaches the method of claim 1, wherein determining that the communication session has or will be disrupted comprises: determining that it is necessary or desirable to disrupt the communication session (see col. 7 lines 13-45).

As to claim 5, Hebert teaches the method of claim 1, wherein saving the state information relating to the communication session comprises: saving the state information for up to a predetermined amount of time (see col. 6 lines 46-67).

As to claim 6, Hebert teaches the method of claim 1, wherein the communication session is associated with an access point device, and wherein re-establishing the communication session using the saved state information comprises re-establishing the communication through the access point device (see col. 7 lines 13-45).

As to claim 7, Hebert teaches the method of claim 1, wherein the communication session is associated with an access point device, and wherein re-establishing the communication session using the saved state information comprises re-establishing the communication session through a different access point device (see col. 7 lines 13-45).

As to claim 8, Hebert teaches the method of claim 7, wherein re-establishing the communication session through the different access point device comprises: associating the state information with the different access point device. (see col. 7 lines 13-45).

As to claim 30, Hebert teaches a communication system comprising a number of access point devices that each implement a first protocol layer of a wireless communication protocol and a back end device that implements a second protocol layer of the wireless communication protocol on behalf of the number of access point devices, wherein the back end device is operably coupled to save state information for a communication session upon determining that the communication session has or will be

disrupted and subsequently re-establish the communication session using the saved state information (see col. 4 lines 36-47 and col. 7 lines 13-45).

As to claim 36, Hebert teaches the communication system of claim 30, wherein the communication session is associated with a terminal equipment device that communicates with the back end device through an access point device, and wherein the back end device is operably coupled to determine that the communication session is disrupted upon failing to receive a predetermined signal from the terminal equipment device for a predetermined amount of time (see col. 4 lines 36-47 and col. 7 lines 13-45).

As to claim 37, Hebert teaches a terminal device accesses a communication network through one of a plurality of access point devices that implement a first protocol layer of a wireless communication protocol and a back end device that implements a second protocol layer of the wireless communication protocol, a method for moving the terminal device from a first access point device to a second access point device, the method comprising: saving state information for the terminal device by the back end device; terminating communication with the terminal device over the first access point device; and re-establishing communication with the terminal device over the second access point device using the saved state information (see col. 4 lines 36-47 and col. 7 lines 13-45).

As to claim 38, Hebert teaches the method of claim 37, wherein the first access point device is congested, and wherein re-establishing communication with the terminal

device over the second access point device using the saved state information is done to avoid the congestion at the first access point device (see col. 7 lines 13-45).

As to claim 39, Hebert teaches the method of claim 37, wherein re-establishing communication with the terminal device over the second access point device using the saved state information is done for load balancing purposes to split network traffic between the first access point device and the second access point device (see col. 7 lines 13-45).

As to claim 40, Hebert teaches the method of claim 37, wherein the first access point device and the second access point device are in different service provider systems, and wherein re-establishing communication with the terminal device over the second access point device using the saved state information is done to move the terminal device to a predetermined service provider system (see col. 7 lines 13-45).

As to claim 41, Hebert teaches the method of claim 37, wherein re-establishing communication with the terminal device over the second access point device using the saved state information is done for cost purposes to move the terminal device to a less expensive access point device (see col. 1 lines 13-30).

As to claim 42, Hebert teaches a terminal device accesses a communication network through one of a plurality of access point devices that implement a first protocol layer of a wireless communication protocol and a back end device that implements a second protocol layer of the wireless communication protocol, a method for using information related to the terminal device, the method comprising: saving information for

the terminal device by the back end device; and using the saved information (see col. 4 lines 36-47 and col. 7 lines 13-45).

As to claim 43, Hebert teaches the method of claim 42, wherein using the saved information comprises: using the saved information for accounting purposes (see col. 1 lines 13-30).

As to claim 44, Hebert teaches the method of claim 42, wherein using the saved information comprises: using the saved information for network management purposes (see col. 7 lines 36-47).

As to claim 45, Hebert teaches the method of claim 42, wherein using the saved information comprises: using the saved information for user tracking purposes (see col. 5 lines 1-30).

As to claim 46, Hebert teaches the method of claim 42, wherein using the saved information comprises: using the saved information for user locating purposes (see col. 5 lines 1-30).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 9, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hebert in view of Leon, U.S. Patent No. 6,680,923.

As to claims 9 and 34, Hebert teaches a method for maintaining a communication session by a back end device in a communication system, the method comprising determining that the communication session has or will be disrupted, saving state information relating to the communication session and subsequently re-establishing the communication session using the saved state information (see the rejection of claims 1 and 30).

Hebert does not explicitly teach the claimed limitation the communication session comprises a Bluetooth communication session". However Leon teaches a method for communicating with multiple devices using Bluetooth communication session (see col. 1 lines 32-52).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Hebert by implementing Bluetooth communication session as taught by Leon because doing so would allow wireless communication between devices, thereby providing more versatility and eliminating many cabling limitations/requirements that may limit expansion.

As to claim 35, Leon teaches the first protocol layer is a lower protocol layer of the Bluetooth wireless communication protocol, and wherein the second protocol layer comprises an upper protocol layer of the Bluetooth wireless communication protocol (see col. 2 lines 44-col. 3 lines 20).

6. Claims 11-19, 21-29 and 31-33 do not teach or define any additional limitation over claims 1-10 and 20 and therefore are rejected for similar reasons.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Distributed Server Cluster For Controlling Network Traffic by Bruck et al., U.S. patent No. 6,691,165
- Computer Network Address Mapping by Weiman, U.S. Patent No. 6,141,690.
- Method And Apparatus For Managing A Communications Network By Storing Management Information About Two Or More Configuration States Of The Network by Hayball et al., U.S. Patent No. 6,308,174.
- Stand-In Computer Server by Midgely et al., U.S. Patent No. 5,592,611.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

April 13, 2004



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